

Koch, Kristine

From: Koch, Kristine
Sent: Wednesday, May 21, 2014 12:52 PM
To: 'GAINER Tom'
Cc: 'PARRETT Kevin'; 'VROOMAN Gary L'; Yamamoto, Deb; Cohen, Lori; Cora, Lori; Sheldrake, Sean
Subject: RE: Portland Harbor ARARs
Attachments: 10-611229.pdf; 10-611309.pdf; 10-611311.pdf; 10-611315.pdf; 10-613083.pdf; 10-613713.pdf; 10-613721.pdf; 10-613737.pdf; 10-613738.pdf

Tom – there were several communications with DEQ on ARARs. Some that I was able to extract from the site file are attached. Additionally, on January 6, 2010 EPA sent Bob Wyatt a letter attaching an ARARs chart. The state is copied on the letter. If the state had concerns with the state ARARs on that chart, they could have raised their concerns to EPA before now.

I've forwarded your request to my management for a meeting. I think you should narrow the topics to what you are ultimately concerned about.

Regards,

Kristine Koch
Remedial Project Manager
USEPA, Office of Environmental Cleanup

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From: GAINER Tom [mailto:GAINER.Tom@deq.state.or.us]
Sent: Tuesday, May 20, 2014 3:00 PM
To: Koch, Kristine
Cc: PARRETT Kevin; GAINER Tom; VROOMAN Gary L
Subject: FW: Portland Harbor ARARs

Kristine-

DEQ provided the attached State potential ARARs and TBCs to the EPA Portland Harbor PMs in June 2009 and I'm not aware that DEQ received a response. In light of EPA Region 10 statements made during the April 2014 All States Meeting regarding "nondiscretionary" application and implementation of State laws or regulation, DEQ requests clarification/comments on the attached table. Please schedule a meeting with DEQ and EPA PMs, Managers, and legal council to discuss this matter.

Thanks-
Tom

From: ANDERSON Jim M
Sent: Friday, June 12, 2009 1:43 PM
To: Blischke.Eric@epamail.epa.gov; 'Humphrey.Chip@epamail.epa.gov'; Koch.Kristine@epamail.epa.gov; Cora.Lori@epamail.epa.gov

Cc: BURKHOLDER Kurt; 'Perry Lynne'; YOUNG Cyril; KEPLER Rick J; MCCLINCY Matt; PETERSON Jenn L; POULSEN Mike; GAINER Tom; LEVINE Ann

Subject: Portland Harbor ARARs

Eric & Chip,

After further evaluation, DEQ will not add further ARARs or TBCs to its table at this time. However, we would revise what is identified as ARAR 6, to note that Department of State Lands requirements for leasing, etc. are not ARARs within the CERCLA definition, but rather are proprietary requirements that might be pertinent to remedy implementation.

Jim Anderson

Manager, DEQ Portland Harbor Section

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From: ANDERSON Jim M

Sent: Tuesday, June 02, 2009 1:31 PM

To: 'Blischke.Eric@epamail.epa.gov'; Humphrey.Chip@epamail.epa.gov; 'Koch.Kristine@epamail.epa.gov';

Cora.Lori@epamail.epa.gov

Cc: BURKHOLDER Kurt; 'Perry Lynne'; YOUNG Cyril; KEPLER Rick J; MCCLINCY Matt; PETERSON Jenn L; POULSEN Mike; GAINER Tom; LEVINE Ann

Subject: Portland Harbor ARARs

Eric, Chip, Kristine, & Lori,

In EPA's 4/10/09 letter to me, you requested DEQ identify potential ARARs & TBCs for the Portland Harbor project.

Attached to this e-mail are the state ARARs & TBCs we identified. There are 3 other requirements that could be possible ARARs or TBCs that are not included in the attached spreadsheet that we are further considering. Those 3 additional requirements are: 1) Oregon State Harbor Line Statute (ORS 778.085), 2) City of Portland Greenway Code (PCC 33.440); & 3) City of Portland Flood Hazard Area (PCC 24.50). As soon as we finish considering these 3 requirements, I'll revise the attached spreadsheet & send it to you.

Jim Anderson

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